

**DISTRICT ATTORNEY
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**OFFICER: MICHAEL SKYERS
TAX NUMBER: 943819**

DISCLOSURE ADVISORY

For the person named above, whom the People may call as a witness, please be advised as follows.

1. Michael Skyers tax # 943819 is a named defendant in the civil action Christopher Tull v. City of New York, et al, 157461/2012 filed in New York Supreme Court. The underlying police action incident occurred on November 4, 2011.
2. Michael Skyers tax # 943819 is a named defendant in the civil action Antonio Delarosa v. City of New York, et al 152254/2015 filed in New York Supreme Court. The underlying police action incident occurred on August 15, 2014.
3. The New York City Civilian Complaint Review Board (CCRB) has noted Other Misconduct – Failure to prepare a Memo Book Entry, by Michael Skyers in connection with an incident on August 24, 2011, at approximately 2:00 p.m., in the vicinity of 129 Lenox Avenue in Manhattan. The incident involved an encounter with a civilian who was arrested and summonsed by another officer in Officer Skyer's unit.
4. On September 10, 2015, Detective Michael Skyers of the Narcotics Borough Manhattan North ("NBMN") made an application for a search warrant authorizing him to conduct a search for cocaine, heroin and other evidence of narcotics crimes in a third-floor apartment located near Saint Nicholas Avenue and 173rd Street in New York County. The application was made before the Honorable Ann Scherzer in New York County Criminal Court. The application was approved based upon an affidavit drafted by a detective in the NYPD's Special Projects Unit, then sworn to by Detective Skyers before Judge Scherzer. It is the understanding of the Special Narcotics Prosecutor ("SNP") ADA who handled the case that the detective who drafted the application did so based on information provided by Detective Skyers.

Detective Skyers' affidavit stated the following:

- On the first controlled buy, Detective Skyers observed the target of the warrant exiting the target apartment just prior to meeting with the informant.
- On the second controlled buy, Detective Juan Espaillat of the NBMN observed the informant both enter the building and then later leave the building, and also that he observed the target exiting the target apartment just prior to meeting with the informant and then entering the target apartment following the transaction.

- On the third controlled buy, Police Officer Jose Salcedo of the NBMN observed the target exiting the target apartment just prior to meeting with the informant and then entering the target apartment following the transaction.

In preparing for hearing and trial, the SNP ADA interviewed Detective Skyers in person. In that interview, Detective Skyers informed the ADA on the first controlled buy mentioned above he had never observed the target exit the target apartment. Instead, Detective Skyers stated that he was never in the building on the date of that controlled buy. Within the body of the police report for this controlled buy, there is no mention of Skyers seeing the target coming out of the target apartment, but there is a handwritten note on the bottom of the police report that states the following: “Det observed CI (sic) come out of Apartment.” The handwritten note is believed to have been written by the NYPD’s Special Projects Unit detective.

The same ADA spoke with Detective Espailat on the phone. Detective Espailat informed him that on the second controlled buy, Espailat did not observe the informant enter or leave the building, but rather he was already on the third floor when he heard two people in the stairwell talking, that he surmised that the two people talking were the informant and the target engaging in the transaction, and that he then observed the target come out on to the third floor and enter the target apartment, but that he never saw the target exit the target apartment on that date. The body of the police report for that controlled buy states that both Skyers and Espailat observed the informant entering and exiting “the location.” It further states in the body of the report that the target was seen exiting the “above location” by Detective Espailat. In addition, there is a handwritten note on the bottom of the police report that refers to “Detective Juan Espailat” and states the following: “come out and enter after buy.” The handwritten note is believed to have been written in by the NYPD’s Special Projects Unit detective in the course of writing up the search warrant application.

The same SNP ADA spoke with Officer Salcedo by phone. Officer Salcedo informed the ADA that on the third controlled buy he did not observe the target exit or re-enter the target apartment, but rather he was in the stairwell and briefly saw both the informant and the target standing together on the third floor. The body of the police report for that controlled buy states that the informant relayed that the informant made the buy from the target on the third floor and “[t]he CI (sic) then walked back into his apt.” The body of the police report does not say that Officer Salcedo saw the target exit the target apartment before the sale and or enter the target apartment afterwards. However, there is a handwritten note on the bottom of the police report that refers to “P.O. Jose Salcedo” and states the following: “observed come out and back in after buy.” The handwritten note is believed to have been written in by the detective from the NYPD’s Special Projects Unit in the course of writing up the warrant.

When Detective Skyers was interviewed by a Special Narcotics Deputy Bureau Chief, Detective Skyers stated that while he read the affidavit, he must not have read it carefully since he did not notice the inaccuracies. The case against the defendant (the search warrant target) was subsequently dismissed.

5. The Internal Affairs Bureau of the New York Police Department has deemed substantiated allegations that Michael Skyers committed the violations of Domestic Incident - Verbal

Dispute; Domestic Incident – Alleged to Commit – Harassment; and Fail to Notify – Duty Captain/Operations.

In connection with this incident, the Department Advocate currently has pending against Michael Skyers charges and specifications that (1) while off-duty, on or about June 19, 2018, in [redacted] New York, Michael Skyers engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said detective was engaged in a physical altercation with his wife; (2) while off-duty on or about and between June 19, 2018 and June 23, 2018, did fail and neglect to immediately notify the Operations Unit after being involved in an unusual police occurrence. An order of protection was issued after the June 19, 2018 incident. As of November 16, 2020, the disposition of this matter remains pending.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Information in such databases about this officer is not necessarily included in this advisory.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

If you have any questions, please contact the Assistant District Attorney assigned to the case on which you are receiving this advisory.

Date: November 16, 2020